

Segal McCambridge
Segal McCambridge Singer & Mahoney

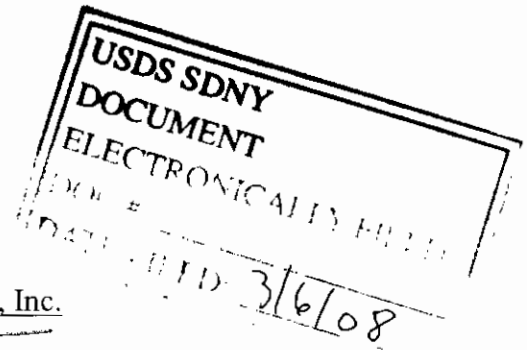
MEMO ENDORSED

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VIA FEDERAL EXPRESS

February 29, 2008

Honorable Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007



Re: Serrano v. Ultradent Products, Inc.
~~Index No.: CV 3685-07~~

Dear Judge Sullivan:

07 CV 3685(RJS)

As you know, we represent the Defendant Ultradent Products, Inc. in the above-referenced case.

According to the current case management schedule, depositions are to be completed by March 4, 2008 and *all fact* discovery completed no later than March 21, 2008. However, at this point in time, Defendant is prejudiced due to Plaintiff's failure to comply with the case management plan and scheduling order.

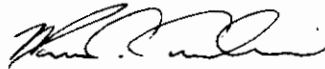
Plaintiff did not serve her initial disclosure (which were due on January 11, 2008) until February 6, 2008. Although the initial disclosures contained medical records, these medical records pertained only to the years of 2004 and 2005 (the incident at issue occurred on May 14, 2004). There are no medical records prior to May 14, 2004 or in 2006, 2007, or 2008. Additionally, Plaintiff has not responded to Defendant's demand for interrogatories or document production. Defendant is in the process of obtaining medical records through HIPAA authorizations, but these records have not yet been received. Defendants may also request additional HIPAA authorizations for other providers.

At this time, Defendant will be highly prejudiced if Defendant has to conduct Plaintiff's deposition without all the medical information, answers to interrogatories and production of documents. Additionally, Plaintiff identified two witnesses in her initial disclosures. However, Plaintiff did not provide the contact information for Irene Bestman. Defendant can not notice her deposition without this information.

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In lieu of the status of discovery, Defendant is respectfully requesting a telephone conference in order to address Plaintiff's failure to comply with the case management order.

Sincerely,
SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD.



Maria C. Carlucci

cc: John J. Tracy, Esq.
TRACY & STILLWELL, P.C.
1688 Victory Boulevard
Staten Island, New York 10314
(via Federal Express)

Defendant's request for a telephone conference is granted. The conference shall be held on MARCH 14, 2008 at 4pm. The Court notes that this letter was submitted in violation of Rule 2(F) of this Court's Individual Practices. Future failure to comply with this Rule will result in an automatic denial of all requests.

SO ORDERED

Date:

3/6/08

4/5/08

RICHARD J. SULLIVAN
U.S.D.J.

Once all parties are on a conference line, they should call Chambers at 212-805-0264.